

REMARKS/ARGUMENTS

Claims 1-28 are currently pending with claims 1, 11, 21, 22, and 28 having been amended. No new matter has been added.

Claims 1-7, 11-17, 21-25, and 28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rouse (U.S. Patent Application Publication No. 2003/0158816).

Claims 8, 18, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rouse in view of Shamoon et al. (U.S. Patent Application Publication No. 2004/0107356).

Claims 9-10, 19-20, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rouse in view of Shamoon and Tewari (U.S. Patent Application Publication No. 2003/0097564).

Claims 1, 11, 21, 22, and 28 have been amended to add clarity to the recited elements and not to overcome the Rejections of the instant Office Action. Specifically, Rouse fails to anticipate claim 1 as Rouse fails to disclose every element of claim 1. More specifically, the recited embodiment of the invention of claim 1 provides a streaming media method where metering information is embedded in a streaming media file and the metering information in the streaming media file is used by a user meter to tick a meter. The ticking of the meter is an indication that the streaming media file has been received and consumed by the client player so that the user of the client player may be billed for their consumption of the streaming media file.

In contrast, Rouse discusses a system for streaming a media file where a URL for the media file cannot be copied and or stored by the user for later use to spoof the media player to play the media file additional times without compensation to the media file provider. Compensation of consumed media files and billing in Rouse is not based on a metering event in a media stream, but is based a metering means where the time period for billing is "estimated to be the duration of the Client Side Player connection to the Protected URL." See Rouse at paragraph 138. Metering events relate actual time of use of a streaming media file and not to an estimated time of use.

Rouse discusses an alternative metering means configured for "actual metered use of Content while at the same time restricting the customer access to such Content while

preventing piracy or access.” While Rouse discusses a metering means for actual metering of content, nowhere does Rouse disclose the actual metered use of content is in any way based on metering information, such as a metering event, embedded in a streaming media file. And, nowhere does Rouse discuss that a user meter is ticked based on the receipt of a metering event embedded in a streaming media file. Therefore, Rouse fails to disclose every limitation of claim 1. Therefore, Rouse fails to anticipate claim 1.

Claims 11, 21, 22, and 28 recite similar limitations as those of claim 1 that are distinguished from Rouse above. Therefore, for at least the same reasons that Rouse fails to disclose every limitation of claim 1, Rouse similarly fails to disclose every limitation of claims 11, 21, 22, and 28, respectively. Therefore, Rouse fails to anticipate claims 11, 21, 22, and 28.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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